

NOT FOR PUBLICATION

(Doc. No. 6)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANDREW S. MILLER,

Plaintiff,

v.

DENNIS BUTLER,

Defendant.

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Civil No. 1:12-cv-01004 (RBK/JS)

ORDER

THIS MATTER having come before the court on the Motion of Dennis Butler (“Defendant”) to dismiss the claims of Andrew S. Miller (“Plaintiff”) pursuant to Federal Rule of Civil Procedure 12(b)(6), and the Court having considered the moving papers and responses thereto, and for the reasons expressed in the accompanying Opinion issued this date;

IT IS HEREBY ORDERED that Defendant’s Motion to dismiss is **DENIED**.

Date: 11/16/12

/s/Robert B. Kugler

ROBERT B. KUGLER
United States District Judge